61.   (New) The machine-readable medium defined in claim 34 further comprising machine-readable instructions recorded thereon for providing the user with an opportunity to select an expiration time for automatic wagering.

REMARKS

I.   Summary of Office Action

Claims 1-33 were pending in the above-identified patent application.

The Examiner rejected claims 1-11, 13, 15-19, 21-27, and 29-32 under 35 U.S.C. § 102 as being anticipated by Brenner et al. U.S. Patent No. 6,099,409 (hereinafter "Brenner").

The Examiner rejected claims 12 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Brenner.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lange et al. U.S. Patent No. 4,322,612 (hereinafter "Lange").

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lvov et al. U.S. Patent No. 6,117,011 (hereinafter "Lvov").

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Hedges et al. U.S. Patent No. 4,467,424 (hereinafter "Hedges").

II.   Summary of Applicants' Reply to Office Action

New claims 34-61 have been added.

The Examiner's rejections are respectfully traversed.

III.   The Rejection Of Claims 1-11,
13, 15-19, 21-27, and 29-32

The Examiner rejected claims 1-11, 13, 15-19, 21-27,

and 29-32 under 35 U.S.C. § 102(e) as being unpatentable over

Brenner. The Examiner's rejection is respectfully traversed.

A.   Claims 1-11, 13, 15-19, and 21-27

Applicants' invention, as defined by independent claim

1, is directed towards a method of interactive wagering with an

interactive wagering application. More specifically, the

interactive wagering application is used to allow a user to

select desired wagering criteria, determine whether a desired

wagering opportunity exists by determining whether the wagering

criteria are satisfied, and automatically take a particular

action whenever the wagering criteria are satisfied.

FIG. 5 shows an illustrative menu screen with which

the user can select wagering criteria. As shown in FIG. 5, the

user has selected the following wagering criteria: Seattle Slew

(horse), turf (surface), 1 mile (distance). If the user presses

the OK remote control key, the interactive wagering application

will be configured to a) determine whether a desired wagering

opportunity exists by determining whether the wagering criteria are satisfied and b) automatically place a $5 win wager for Seattle Slew for the desired wagering opportunity when the criteria are satisfied.

Brenner refers to interactive wagering systems and processes that allow a user to view racing information and create and place bets using an off-track user terminal.

The Examiner contends that Brenner anticipates applicants' claims 1-11, 13, 15-19, and 21-27. While it is true that the practice of applicants' invention as claimed may implicate Brenner, Brenner does not teach the specific improvement of using an interactive wagering application to a) allow a user to select desired wagering criteria, b) determine whether a desired wagering opportunity exists by determining whether the wagering criteria are satisfied, and c) automatically take a particular action whenever the wagering criteria are satisfied.

The Examiner contends that the following quote from Brenner shows feature b) of claim 1:

> Another category of racing information that may be viewed is handicapping information. To view handicapping information, the user selects "handicapping" at step 536. Making the selection "handicapping" moves the user to step 548 in FIG. 33, at which the user chooses between viewing handicapping data and creating a personal power rating. If the user

selects "view handicapping data," various handicapping
data screens are displayed, showing, for example,
snapshot power ratings, speed/class ratings, pace
ratings, and jockey/trainer information.

(pages 2 and 3 of the Office Action). This portion of Brenner

refers to accessing handicapping information. In response to

the user selecting "view handicapping data," the system displays

various handicapping data screens. Therefore, contrary to the

Examiner's contention, this portion of Brenner does not show

applicants' claimed improvement of using an interactive wagering

application to determine whether a desired wagering opportunity

exists by determining whether the wagering criteria selected by

the user are satisfied as required by claim 1. Moreover,

determining whether wagering criteria (i.e., two or more

wagering criterion) are satisfied cannot be met by a system

responding to a single user selection.

The Examiner further contends that the following quote

from Brenner shows feature c) of claim 1: "the currently

selected race is automatically updated to reflect the next

currently scheduled race to be run at the currently selected

racetrack" (page 3 of the Office Action). This portion of

Brenner, however, refers to when a user selects a new racetrack.

In response to this user selection, information displayed on the

previous racetrack is "automatically" updated to show

12

information on the selected racetrack. Therefore, contrary to the Examiner's contention, this portion of Brenner does not show applicants' improvement of using an interactive wagering application to <u>automatically take a particular action whenever the wagering criteria are satisfied</u> as required by claim 1.

Accordingly, in view of the foregoing, independent claim 1 is allowable over Brenner. Therefore, the rejection of claim 1 and dependent claims 2-11, 13, 15-19, and 21-27 should be withdrawn.

B. <u>Claims 29-32</u>

Applicants' invention, as defined by independent claims 29 and 32, is directed towards a method and system of interactive wagering with an interactive wagering application. More specifically, the user is provided with an opportunity to select a given horse and a wager for the given horse is automatically placed when it is determined that the given horse is to run in a particular race.

While it is true that the practice of applicants' invention as claimed may implicate Brenner, Brenner does not teach applicants' specific improvement of automatically placing a wager for the given horse when it is determined that the given horse is to run in a particular race.

13

The Examiner contends that the following paragraph

from Brenner shows applicants' specific improvement:

> When a user has entered all of the data necessary to
> place a wager, the corresponding wager data are
> transmitted to a wagering data management system that
> preferably includes a totalisator for maintaining the
> user's wagering account. The wagering data management
> system adjusts the user's account based on the user's
> wagers. Typically, the user's account is debited when
> a wager is placed. If, following a race, a user's
> wager is successful, the wagering data management
> system credits the user's account accordingly.

(pages 9 and 10 of the Office Action). Contrary to the

Examiner's contention, this portion of Brenner does not refer to

automatically placing a wager for the given horse when it is

determined that the given horse is to be run in a particular

race as required by claims 29 and 32. Rather, this portion of

Brenner simply refers to where wager data is transmitted (i.e.,

the wagering data management system) and describes features of

the wagering data management system.

Accordingly, Brenner does not show or suggest

automatically placing a wager for the given horse when it is

determined that the given horse is to run in a particular race

as is required by independent claims 29 and 32. Therefore, the

rejection of claims 29 and 32 and dependent claims 30 and 31

should be withdrawn.

IV.   The Rejection Of Claims 12 and 33

The Examiner rejected claims 12 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Brenner. In view of the foregoing, independent claims 1 and 33, from which claims 12 and 33 respectively depend, are allowable. Therefore, for at least this reason, claims 12 and 33 are allowable. Accordingly, applicants request that the rejection of claims 12 and 33 be withdrawn.

V.   The Rejection Of Claim 14

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lange. In view of the foregoing, independent claim 1, from which claim 14 depends, is allowable. Therefore, for at least this reason, claim 14 is allowable. Accordingly, applicants request that the rejection of claim 14 be withdrawn.

VI.   The Rejection Of Claim 20

The Examiner rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Lvov. In view of the foregoing, independent claim 1, from which claim 20 depends, is allowable. Therefore, for at least this reason, claim 20 is allowable. Accordingly, applicants request that the rejection of claim 20 be withdrawn.

VII. The Rejection Of Claim 28

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Brenner in view of Hedges. In view of the foregoing, independent claim 1, from which claim 28 depends, is allowable. Therefore, for at least this reason, claim 28 is allowable. Accordingly, applicants request that the rejection of claim 28 be withdrawn.

VIII. New Claims

New claims 34-61 have been added. New independent claim 34 is directed towards computer readable medium and is similar to independent claim 1. Therefore, new claim 34 should be found allowable for similar reasons as to why claim 1 is allowable. In addition, dependent claims 35-61 should be found allowable at least because independent claim 34 should be found allowable.

IX. Conclusion

The foregoing demonstrates that claims 1-61 are allowable. This application is therefore in condition for allowance. Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,

Alexander Shvarts
Alexander Shvarts
Reg. No. 47,943
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
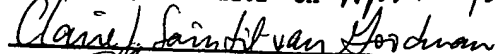New York, New York 10020-1105
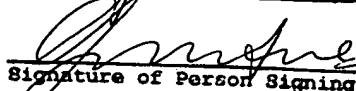Tel.: (212) 596-9000
Fax: (212) 596-9090

17